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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/550,467

07/17/2006

Jurgen Boss

10176P00170US

1961

32116

7590

10/29/2008

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER

500 W. MADISON STREET

SUITE 3800

CHICAGO, IL 60661

EXAMINER

WANG, JACK K

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

10/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/550,467	Applicant(s) BOSS, JURGEN	
	Examiner JACK WANG	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5, 7-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Status of the Claims

1. The amendment filed on October 17, 2008 has amended claims 7 and 11 and no claim newly added. Claims 1 and 6 were originally cancelled. Therefore, claims 2-5 and 7-11 are currently pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-5, and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schubert et al. (US Patent # 6,894,610 B2), and further in view of Fan et al. (US Patent # 6,452,572 B1).

Consider claim 7, Schubert et al. teaches a warning system for people working in hazardous conditions, the warning system comprising: a control unit (central monitoring unit) (1, Fig. 1) with a motion detector (5, Fig. 1), an alarm transmitter (communication module) (16, Fig. 1) and a display (2 or 3, Fig. 1), wherein the warning system further comprises a receiver (inherent in the communication module) (16, Fig. 1), the control unit (central monitoring unit) (1, Fig. 1) configured to operate selectively as: a) a standalone base warning unit (Column 2 lines 15-20); b) via a radio connection with at least one of: i) a radio pressure gauge for a compressed air breathing apparatus; ii) a vital function radio monitor; and iii) a radio measuring device for

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detecting gas and temperature conditions; and c) via a physical link connection with at least one of i) a radio data transmitter; and ii) a walkie-talkie.), except a wireless radio connection and memory for recording incidents.

In the same field of endeavor, Fan et al. teaches a wireless radio connection (720A, Fig. 37) and memory for recording incidents (Claims 4 and 5) for the benefit of transmitting information via wireless communication and recording image to the base control center.

Therefore, it would have been obvious to a person of ordinary skill in the art at time the invention was made to include a wireless radio connection and memory for recording incidents as shown in Fan et al., in Schubert et al. device for the benefit of transmitting information via wireless communication and recording image to the base control center.

Consider claim 2, Schubert et al. clearly shown and disclose the warning system, characterized in that wherein the radio pressure gauge is a pressure sensor (15, Fig. 1) with a short-distance transmitter (communication module) (16, Fig. 1) connected to a compressed-air cylinder (Column 3 lines 8-26).

Consider claim 3, Schubert et al. clearly shown and discloses the warning system, characterized in that wherein the vital function radio monitor includes at least a vital sensor (Column 1 line 50) combined with a short-distance transmitter (communication module) (11, Fig.1) for collecting a user's vital data.

Consider claim 4, Schubert et al. clearly shown and discloses the warning system, characterized in that wherein the radio measuring device includes a gas or temperature sensor (15, Fig. 1) coupled with a short-distance transmitter (communication module) (11, Fig. 1) (Column 3 lines 8-26).

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Consider claim 5, Schubert et al. clearly shown and discloses the warning system, characterized in that wherein the control unit (monitoring unit) (1, Fig. 1) is configured to allow coupling of a camera (14, Fig. 1) and/or thermal image camera can be coupled with the control unit (Column 3 lines 34-44).

Consider claim 8, Schubert et al. clearly shown and disclose the warning system wherein the control unit (monitoring unit) (1, Fig. 1) is configured to operate via a radio connection with each of a radio pressure gauge for a compressed air breathing apparatus, a vital function radio monitor and a radio measuring device for detecting gas and temperature conditions (Column 4 lines 22-34 and Column 1 lines 40-45).

Consider claims 9 and 10, Schubert et al. clearly shown and disclose the warning system wherein the control unit is configured to operate via a physical link (fiber optics) (Column 4 lines 34-35) connection with each of a radio data transmitter (telemetric module 17) except a walkie-talkie. Although Schubert et al. does not specifically disclose the walkie-talkie, he does disclose a communication module (16, Fig. 1) in the helmet/mask (Column 3 lines 38-39) for transfer the information. The walkie-talkie is just a device selection among the communication protocol, such selection is a design choice for the particular application.

Consider claim 11, Schubert et al. clearly shown and disclose a warning system for people working in hazardous conditions, the warning system comprising: a control unit (monitoring unit) (1, Fig. 1) with a motion detector (5, Fig. 1), an alarm transmitter (4, Fig. 1) and a display (2 or 3, Fig. 1), wherein the warning system further comprises a receiver (inherent in the communication module) (16, Fig. 1), the control unit configured to operate selectively as: a) a standalone base warning unit; or b) via a radio connection with at least one of: i) a radio

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pressure gauge for a compressed air breathing apparatus; ii) a vital function radio monitor; and iii) a radio measuring device for detecting gas and temperature conditions (Column 1 lines 36-59), except a memory for recording incidents integrated into the control unit, except wireless radio connection and memory for recording incidents.

In the same field of endeavor, Fan et al. teaches a wireless radio connection (720A, Fig. 37) and memory for recording incidents (Claims 4 and 5) for the benefit of transmitting information via wireless communication and recording image to the base control center.

Therefore, it would have been obvious to a person of ordinary skill in the art at time the invention was made to include a wireless radio connection and memory for recording incidents as shown in Fan et al., in Schubert et al. device for the benefit of transmitting information via wireless communication and recording image to the base control center.

Response to Arguments

4. Applicant's arguments, see Remarks, filed 10/17/2008, with respect to the rejection(s) of claim(s) 2-5, and 7-11 under 35 USC § 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Fan et al. (US Patent # 6,452,572 B1).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACK WANG whose telephone number is (571)272-1938. The examiner can normally be reached on M-F 8:00AM - 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JKW/

/Daniel Wu/
Supervisory Patent Examiner, Art Unit 2612